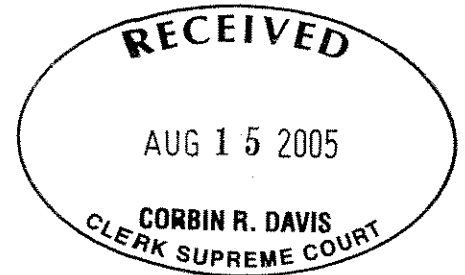


MICHIGAN COUNCIL ON CRIME AND DELINQUENCY

1115 S. Pennsylvania Ave. - Suite 201, Lansing, Michigan 48912
Telephone: (517) 482-4161 Fax: (517) 482-0020 Email: mail@miccd.org

August 11, 2005

Corbin Davis
Clerk, Michigan Supreme Court
G. Mennen Williams Building
PO Box 30052 Lansing, MI 48909



Re: Administrative File No. 2001-10
Proposed Amendment of Rule 8.123 of the Michigan Court Rules.
Counsel Appointments, Procedure and Records

Dear Mr. Davis:

We are providing comments on the above-proposed rule on behalf of the Michigan Council on Crime and Delinquency (MCCD). MCCD organized and staffed the Michigan Public Defense Task Force. This Task Force has facilitated meetings over the past 4 years resulting in the development of The Model Plan for Public Defense Services in Michigan.

The findings of the Task Force, regarding the current method of providing public defense in Michigan include: 1) the system is drastically under funded (Michigan ranks near the bottom of states nationwide in resources provided for public defense); 2) support services are rarely available in assigned cases; 3) uniform standards for workloads or performance are nonexistent; and 4) accurate and comprehensive data is unavailable. The Model Plan calls for improving the system of public defense through increased funding and accountability that will insure that every defendant, regardless of where he or she is tried, will be a provided qualified and trained attorney. The Plan notes that data and information on current caseloads, funding, and attorney qualifications are critical to informing public policy development in this important area.

Therefore, the Michigan Council on Crime and Delinquency DOES NOT SUPPORT those proposed amendments to Rule 8.123 that would reduce the quality and quantity of available data and information. Our specific comments re: the proposed amendments follow:

We recommend that the rule specifically state in subsection (E) that the annual reports submitted electronically to the State Court Administrator's office be made available electronically to the public on the SCAO web site.

We do not support the proposed changes to delete subsections (D)(1)(2)(4). The information gathered through the current rule is and will continue to be important information if we hope to improve the public defense system and provide more uniform standards of justice throughout our courts.

The information currently required but proposed to be deleted in subsection (D) is included in subsection (F) but only required "[w]hen requested by the State Court Administrator." Information should be requested from every court.

We support the proposed additional language in subsection (F), which requires a trial court to submit its report in the form specified by the State Court Administrator. We believe it would not be that difficult for the State Court Administrator to develop an electronic form which includes spaces for trial courts to insert the numbers relating to the information required in Subsection (D)(1)(2)(4) by the current rule.

We recommend language be added in subsection (D) to require the annual report to distinguish the total public funds paid to each attorney for appointments for indigent defense from the funds paid for non-indigent defense work.

We believe that the information currently required by this rule is important to maintain the public trust and confidence in the administration of justice. We also believe that the information is critical for assessing the performance Michigan's system against that of comparable states and national standards. We urge the Michigan Supreme Court to maintain, not weaken current reporting standards.

Thank you for considering our comments.

A handwritten signature in cursive script, reading "Kristin Vandenberg".

Kristin Vandenberg, Secretary
Board of Directors, Michigan Council on Crime and Delinquency